



DANIA BEACH
SEA IT. LIVE IT. LOVE IT.

CITY OF DANIA BEACH

Code Compliance Unit

100 W Dania Beach Blvd. Dania Beach, FL 33004

Phone: 954-924-6810 / Fax: 954-924-6812

Registration Form for Abandoned Real Property (Vacant and/or Foreclosed Properties)

Pursuant to Dania Beach City Code Chapter 13, Article VII "Abandoned Real and Personal Property" Section 13-119 "Registration of Abandoned Real Property", which requires that mortgagees of real property shall perform an inspection of the property that is the security for the mortgage, upon default by the mortgagor, prior to the issuance of the Notice of Default. If the property is found to be vacant or shows signs of vacancy, it shall be deemed abandoned and the mortgagee shall, within ten (10) days of the inspection, register the property with the City of Dania Beach Code Compliance Unit. An annual registration fee is required for each vacant property, and due upon submission of this form. The annual fee is \$100.00 per property and is renewed prior to October 1st of each year.

Date of Application: _____ Property Folio: _____

Property Address: _____

Legal Description of Property: _____

Type of Property - PLEASE DESCRIBE AND SPECIFY HOW MANY UNITS ARE ON SITE: _____

Mortgagee Name: _____

Mailing Address: _____

Contact Person & Title: _____

Phone #: _____ Fax #: _____

Cell #: _____ Email: _____

Local Contact/Maintenance/Preservation Company Name: _____

Mailing Address: _____

Contact Person & Title: _____

Phone #: _____ Fax #: _____

Cell #: _____ Email: _____

Is this person/company available 24 hours for emergencies: YES NO

If "NO", please list an emergency contact below:

Emergency Contact Person & Title: _____

Phone #: _____ Fax #: _____

Cell #: _____ Email: _____

Foreclosure Attorney Name (if available): _____

Mailing Address: _____

Phone #: _____

Fax #: _____

Cell #: _____

Email: _____

Recording Information from Lis Pendens (Please provide the Official Book and Page numbers with the recording date):

Date of Initial Inspection and Scheduled Day of Future Inspections: _____

Registration Form Completed by:

PRINTED NAME OF AUTHORIZED AGENT

TITLE

I hereby certify that the above information is complete, true and correct; and further I understand that any misstatement of facts contained in this application may cause the registration to be revoked, any fees paid forfeited, and further classified as null and void. I understand it is the purpose and intent of the City to establish this process to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties. Regardless of the occupancy of the property, it shall be inspected by the mortgagee or their designee monthly on a routine schedule. Records of inspection dates, times, and findings may be requested and must be furnished to the City upon request. Any changes to the information supplied on this application form must be filed within ten (10) days of said change. Dania Beach City Code requires all properties to be maintained and secured in accordance with the City Code. Any violations of City Code are subject to the minimum penalty of \$250.00 for the first offense, and up to \$500.00 for each subsequent offense. I also understand that the property may be inspected from time to time to determine compliance with all applicable City Codes.

SIGNATURE OF AUTHORIZED AGENT

DATE

State of: _____

County of: _____

The foregoing instrument was acknowledged before me, the undersigned Notary Public in and for the State of:

_____, on this, the _____ day of _____, 20____, by (Print Name):

_____, (Print Title): _____, who is

personally known to me or produced the following identification (type): _____.

Witness my hand
And official seal:

Signature of Notary Public, State of _____

Printed name of Notary Public, exactly as commissioned

OFFICE USE ONLY: DO NOT COMPLETE BELOW THIS LINE

PROPERTY ZONED: _____

FEE PAID: _____

VIA _____

CODE APPROVAL BY: _____

DATE: _____

CONDITIONS (IF ANY): _____

ORDINANCE NO. 2010-001

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, CREATING CHAPTER 13, ARTICLE VII OF THE CITY CODE OF ORDINANCES, TO BE ENTITLED "ABANDONED REAL AND PERSONAL PROPERTY"; PROVIDING FOR THE IDENTIFICATION, REGULATION, LIMITATION AND REDUCTION OF ABANDONED REAL AND PERSONAL PROPERTY WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City finds it necessary for the health, safety, and welfare of its citizens to identify, regulate, limit and reduce the amount of abandoned real and personal property within the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. The preceding "WHEREAS" clause is ratified and incorporated into this Ordinance as the legislative intent of this Ordinance.

Section 2. That Chapter 13, Article VII "Abandoned Real and Personal Property," is created to read as follows:

ARTICLE VII. ABANDONED REAL AND PERSONAL PROPERTY

Sec. 13-111. Purpose and intent.

It is the purpose and intent of the City Commission to establish a process to identify, regulate, limit and reduce the amount of abandoned personal and real property located within the City. It is the City Commission's further intent to establish an abandoned residential property program to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of abandoned properties.

Sec. 13-112. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned personal property means wrecked or derelict property which has been left abandoned and unprotected from the elements and shall include, but not be limited to, wrecked, inoperative or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture and any other similar articles which are left abandoned and unprotected from the elements.

Abandoned real property means any real property that is vacant and is under a current notice of default or notice of mortgagee's sale, or both, or pending tax assessor's lien or property that has been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.

Accessible property means real property that is accessible through a compromised or broken gate, fence, wall, or similar opening.

Accessible structure means a structure or building that is unsecured, open, or compromised in any way that allows access to the interior space by any unauthorized persons.

Evidence of vacancy means any condition that on its own, or combined with other conditions, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, the presence of overgrown or dead vegetation, accumulation of abandoned personal property, as defined above, statements of vacancy by neighbors, delivery agents or government agents, and other evidence that leads to a conclusion that the property is vacant.

Foreclosure means the process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt when the borrower defaults.

Enforcement officer means any law enforcement officer, building official, zoning inspector or code enforcement officer employed by or assigned to the City.

Nominal salvage value means the value of an article of abandoned or derelict personal property which a reasonably prudent person would believe to be the fair market value of the property, less the cost of salvage including its removal, transportation, storage and sale.

Private property means all lands and their improvements other than public lands and improvements.

Public property means all canals, waterways, lands and improvements owned by a governmental body or any governmental agency, including but not limited to easements and rights-of-way, but excluding the campus of any institution of the state university system.

Residential building means any improved real property, or portion of such property, situated in the City, which is designed or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property.

Vacant means any building or structure that is not legally occupied.

Sec. 13-113. Applicability.

This Article shall be considered cumulative to and is not intended to supersede any other law or provision applicable to abandoned real or personal property, but shall rather be an additional remedy available to the City above and beyond any other state, county or local law or regulation.

Sec. 13-114. Penalties.

Any person who shall violate the provisions of this Article shall be subject to the penalties provided in Section 1-8 of the City Code of Ordinances.

Sec. 13-115. Placement of abandoned personal property prohibited.

(a) It shall be unlawful for any person to abandon or deposit personal property upon private property:

- (1) without the private property owner's consent; or
- (2) in violation of this section or any other applicable law, ordinance or regulation.

(b) Nothing in this section shall be deemed to apply to abandoned personal property authorized to be left on private business property properly operated, licensed and zoned in the City for the purpose of accepting abandoned property, such as, but not limited to, one that accepts charitable donations of personal property.

Sec. 13-116. Public Nuisance.

All abandoned personal property and abandoned real property are declared to be a public nuisance, the abatement of which pursuant to the City's police power is declared to be necessary for the health, welfare and safety of the residents of the City.

Sec. 13-117. Notification Procedure.

When an enforcement officer determines that an article of personal property having nominal salvage value appears to be abandoned upon private property, the officer shall:

- (1) Cause a notice to be placed upon such abandoned personal property in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY:

(setting forth brief description)

LOCATED AT:

(setting forth brief description of location) is:

IMPROPERLY STORED AND IS IN VIOLATION OF

(setting forth ordinance violated)

AND MUST BE REMOVED WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE; OTHERWISE, IT SHALL BE PRESUMED TO BE ABANDONED PROPERTY AND IT WILL BE REMOVED AND SOLD OR DESTROYED BY ORDER OF THE CODE COMPLIANCE SPECIAL MAGISTRATE OF THE CITY OF DANIA BEACH, FLORIDA. DATED THIS:

(setting forth the date of posting of notice);

SIGNED

(setting forth name, title, address and telephone number of enforcement officer).

Such notice shall be not less than eight inches by ten inches and be sufficiently weatherproofed to withstand normal exposure to the elements.

- (2) The enforcement officer shall also make reasonable effort to ascertain the name and address of the owner of the abandoned property and, if such address is reasonably available, the officer shall mail by certified and regular mail a copy of the notice to the owner on or before the date of posting the above-described notice on the abandoned personal property.

- (3) The enforcement officer shall mail by certified and regular mail a copy of the above-described notice to the owner of the real property upon which the abandoned personal property is located, as shown by the Broward County real estate tax records, on or before the date of posting such notice.

Sec. 13-118. Removal of abandoned personal property.

(a) If at the end of ten days after posting notice under this article, the owner or any person interested in such abandoned personal property described in the notice has not removed it, the enforcement officer may cause the article of abandoned personal property to be removed, sold, or destroyed, and the salvage value, if any, of such article shall be retained by the City, to be applied against the cost of its removal and destruction.

(b) Before sale or destruction, any owner or lienholder of the abandoned personal property shall be permitted to regain possession of it upon proof of ownership or lien rights entitling the lienholder to possession, upon payment of storage charges and all expenses incurred by the enforcement officer and the City.

Sec. 13-119. Registration of abandoned real property.

(a) Any mortgagee who holds a mortgage on real property located within the City shall perform an inspection of the property that is the security for the mortgage, upon default by the mortgagor, prior to the issuance of a notice of default. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ten days of the inspection, register the property with City Code Compliance Department, on forms provided by the City.

(b) If the property is occupied but remains in default, it shall be inspected by the mortgagee or designee monthly until:

- (1) the mortgagor or other party remedies the default, or
- (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten days of that inspection, register the property on forms provided by the City.

(c) Registration pursuant to this section shall contain the name of the mortgagee, the direct mailing address of the mortgagee, a direct contact name and telephone number of mortgagee and, in the case of a corporation, any similar entity or out-of-area mortgagee, the local property management company responsible for the security and maintenance of the property.

(d) An annual registration fee in the amount of \$100.00 shall accompany the registration form.

(e) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

(f) Properties subject to this section shall remain under the annual registration requirement, security and maintenance standards of this section as long as they remain vacant. The registration shall be renewed on the first day of October of each year following the initial date of registration.

(g) Any person, corporation or similar entity that has registered a property under this section must report any change of information contained in the registration within ten days of the date of the change.

Sec. 13-120. Maintenance requirements.

(a) Properties subject to this article shall be kept free of weeds, overgrown vegetation, trash, litter, junk, debris, building materials, stagnant water, any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state, or local law), discarded personal property such as, but not limited to, furniture, clothing, large or small appliances, materials or any other items that would lead a reasonable person to conclude from the appearance of the real property that it is abandoned.

(b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

(c) Yard areas shall be landscaped and maintained in accordance with the City code.

(d) Landscaping shall include, but not be limited to, grass, ground cover, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation.

(e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required landscaping and removal of all trimmings.

(f) Any body of or area containing water including but not limited to a pool or spa, natural or man-made, which lacks flow, or which is or may become a breeding ground or feeding area for mosquitoes, rodents, snakes, or any species of insect or animal, or which constitutes or may become a habitat for disease-bearing organisms, or which is or may become a host for algae or other growth associated with stagnant water, must be

maintained by the mortgagee. Pools and spas shall comply with the enclosure requirements of this Code and the Florida Building Code.

(g) Failure of the mortgagee or property owner of record or both to properly maintain the property may result in citation by the City's code enforcement department. Pursuant to a finding and determination by the City's special magistrate, the City may take the necessary action to ensure compliance with this section.

Sec. 13-121. Security Requirements.

(a) Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow any person to access the interior of the property or structure. Broken windows shall be secured by reglazing or boarding. Any and all boards placed on windows and doors shall be painted to match the structure.

(c) If the property is owned by a corporation, or similar entity or out of area mortgagee, a local property management company shall be contracted to perform weekly inspections to verify compliance with the requirements of this section, and any other applicable laws.

(d) Abandoned real property shall be posted with the name and 24-hour contact telephone number of the local property management company. The posting shall be no less than 18 inches × 24 inches, and shall use a font that is visible and can be read from a distance of 45 feet. The posting shall contain the following language:

THIS PROPERTY IS MANAGED BY: _____

TO REPORT PROBLEMS OR CONCERNS CALL: _____

The posting shall be placed on the interior of a window facing the street in the front of the property so it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street, or if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street in the front of the property. Exterior posting shall be constructed of and printed with weather-resistant materials.

(e) The local property management company shall inspect the property on a weekly basis to ensure that the property is in compliance with this Article.

(f) Failure of the mortgagee, or property owner of record or both to properly maintain the property may result in a citation by the City's code enforcement department. Pursuant to a finding and determination by the City's code enforcement special magistrate, the City may take all necessary action to ensure compliance with this section.

Sec. 13-122. Opposing, obstructing enforcement officer; penalty.

Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this article, upon conviction shall be punished as provided by law.

Sec. 13-123. Immunity of enforcement officer.

Any enforcement officer or any person authorized by the enforcement officer shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of duties imposed by this Article.

Sec. 13-124. Additional Authority.

The City Code Compliance Manager shall have authority to require the mortgagee, or owner of record of any property affected by this section or both to implement additional maintenance or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard, or other measures as may be reasonably required to prevent unauthorized entry or occupation upon or within any structure on the property.

Sec. 13-125. Adoption of rules; expenditure of funds; declaration of City purpose.

The City Commission is authorized and empowered to and expend City funds as may be reasonably necessary and available to carry out the terms of this Article, the expenditure of such funds being declared a proper City purpose.

Section 3. That all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance, are repealed to the extent of such conflict.

Section 4. That if any section, clause, or provision of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.